



# Monteiro & Fishman LLP

ATTORNEYS AT LAW

Main Office:  
91. N. Franklin Street  
Suite 108  
Hempstead, New York 11550  
Tel.: 516/280.4600  
Fax: 516/280.4530  
MFLawNY.com

Marcus Monteiro  
516/280.4600 ext. 106  
mmonteiro@mflawny.com

February 28, 2022

**VIA ECF**

The Honorable Judge Arelene R. Lindsay  
United States Magistrate Judge  
Eastern District of New York  
814 Federal Plaza  
Central Islip, New York 11722

RE: *Gutierrez et al. v. Davinici's Restaurant et al.*  
Civ. No.: 20-05380

Dear Judge Lindsay:

This firm represents Plaintiffs in the above FLSA case. Please allow this letter to serve as a Joint Status Report of the parties. The parties have engaged in preliminary settlement talks but have been unable to resolve this dispute. At this point, **the Parties believe that mediation is not viable at this time**, and that further discovery is needed in order for a potential mediation session to be productive. Currently, only the discovery Ordered pursuant to the Court's FLSA Order has been exchanged. As such, the Parties propose the following discovery schedule:

- i. The Parties to served discovery demands by 3/15/2022;
- ii. The Parties to respond to discovery demands by 5/15/2022;
- iii. The Parties to end fact discovery by 6/15/2022.

The Parties believe that mediation may be productive only after the above discovery is exchanged. The Parties may request a mediation referral if the parties believe that such mediation would be helpful in the future.

The parties thank the court for considering the request made herein.

Very truly yours,

\_\_\_\_\_  
/s/  
Marcus Monteiro